

SPECIAL PURPOSE DISTRICTS IN SOUTH DAKOTA

	SDCL Citation Number	Formed
Water Development District.....	46A-3A to 3E.....	7
Water Project District.....	46A-18.....	22
Irrigation District	46A-4 to 7.....	13
Water User/Conservancy District	46A-9.....	17
Watershed District.....	46A-14.....	25
Sanitary District	34A-5.....	61
Drainage Basin Utility District	46A-10B	1
Conservation District	38-8.....	69
Reg. Recycling & Waste Management District.....	34A-16.....	3
Predator Control District.....	40-37	NA
Ambulance District	34-11A.....	13
Rural Fire Protection District	34-31A.....	60
Public Hospital District.....	34-10.....	1
Regional Railroad Authority.....	49-17A.....	25
Consumer Power District.....	49-35 to 40	1
Road District.....	31-12A.....	247
Improvement District	7-25A.....	1

Source: SD Secretary of State, 2010; Department of Environment and Natural Resources, 2010.

Note: Some districts have become inactive or dormant without being dissolved.

Other entities in South Dakota that share some characteristics of special purpose districts:

	Chapters
Regional Emergency Medical Services Authority	34-11B
Cooperative Grazing Districts.....	40-23
Television Translator Districts	49-32A
Regional Airport Authorities.....	50-6A
Nonprofit Corporation	47-22 to 47-26

SPECIAL PURPOSE DISTRICTS IN SOUTH DAKOTA - 2012

Description	S.D. Conservancy District	Water Development District	Water Project District	Irrigation District	Water User District
Citation	46A-1 and 2	46A-3A to 3E	46A-18	46A-4 to 7	46A-9
Enacted	1959	1984	1984	1917	1939
Number Formed	1	7	22	13	17
Purpose	Broad water dev. and mgmt, state water plan, financing prog.	Plan, coord water dev in region; tech, financial assist to local project sponsors.	Sponsor and implement local water projects.	Sponsor and implement irrigation projects.	Sponsor, implement local water projects.
Formation	State Legislature and election.	State Legislature or petition BWNR	Petition BWNR and election. and election. Ch 6-16 applies.	Petition BWNR no election. Ch 6-16 applies.	Petition BWNR, BWNR approval
Boundary	Entire state of SD.	Fixed, adjusted by Legislature or by petition and election.	Not contiguous; adjust by pet., election.	Not contiguous; irrigable land; amend by pet., elect if 25% object.	Not contiguous, amend by petition BWNR approval.
Org. Structure	Bd of Water and Natural Resources (BWNR); 7 mem. appointed by Gov.	5-9 directors based on population.	3-7 directors, annual election, staggered 3-yr terms.	3-7 directors, annual election, staggered 3-yr terms.	5-13 directors, annual election, staggered 3-yr terms.
Taxation & Revenue	Appropriations by Legislature for financing programs.	Tax to 0.3 mill; spec assess if local request.	Tax to 1 mill, spec assessments.	Spec. assessments, levy tax if election approval.	No tax or assessments, revenues from water sales only.
Debt and Finance	Revenue bonds to \$5 million, Water Facilities Constr. Fund.	No gen. obligation debt, only spec assess may be long-term.	G.O., rev, and spec. assess; bonds long-term debt if election.	Spec assessment, bonds if approved in election.	Revenue bonds, mortgage property to secure loans.
Other Powers & Duties	Sue, eminent domain, property, state water plan.	Sue, property, eminent domain, state water plan recommendations.	Sue; property; eminent domain; plan, develop, sponsor projects.	Sue; property; eminent domain; build, operate system.	Sue; property; eminent domain; build, operate works; set rates.
Dissolution	No provision.	Legislature or petition, election.	Petition and election.	Petition and election.	District resolution, election.
Overseeing Agency	Legislature, Governor.	BWNR.	BWNR.	BWNR.	BWNR.

SPECIAL PURPOSE DISTRICTS IN SD (Continued)

Description	Watershed District	Sanitary District	Drainage Basin Utility District	Conservation District	Regional Recycling & Waste Mgmt District
Citation	46A-14	34A-5	46A-10B	38-8	34A-16
Enacted	1957	1947	1989	1937	1993
Number Formed	25	61	1	69	3
Purpose	Sponsor, implement watershed mgmt projects.	Sewage treatment facilities.	Flood control and runoff protection.	Soil, water cons; flood, erosion, pollution control.	Solid waste mgmt.
Formation	Petition to Conserv Dist, hearing, election. Ch 6-16 applies.	Petition to county, election. Ch 6-16 applies.	Jt. powers agreement of all towns, counties in dist.	Petition to St. Conserv Comm, approve, election.	City, county governments approve.
Boundary	Contiguous; amend w petition, election.	Contiguous; amend w petition, county approve.	One or more drainage basins; contiguous.	Not contiguous; amend same as formation.	Not contiguous; amend by member gov'ts.
Org. Structure	3-5 managers, annual election, staggered 3-year terms.	3-11 trustees, annual elect, staggered 3-yr terms.	A utility to be operated by gov. body named in jt. powers agrmnt.	5 at-large elected supervisors, staggered 4-yr. terms.	Provided in articles of incorp., staggered 4-yr terms.
Taxation & Revenue	Tax 1 mill; other tax and spec assess by election.	Tax and spec assessments.	Utility fees based on land's runoff potential.	Dist budget request funded at county discretion.	Solid waste fees.
Debt and Finance	G.O. or assessment bonds with election.	Borrow, issue bonds per municipal law.	Revenue bonds, no election.	Special revenue fund loans available to dist, other loans.	Revenue bonds.
Other Powers & Duties	Sue, property, eminent domain, plan, construct projects.	Sue, property, eminent domain; construct, operate syst; set rates; require hookup.	Sue; hold property; plan, develop, operate projects; munic utility powers.	Sue; property; plan, develop, operate projects; assist landowners, other agencies.	Sue, property, designation authority, operate SW facilities, eminent domain.
Dissolution	Petition and election.	Petition to district court.	Legislation, jt. powers, or land-owner petit. court.	Petition and election.	No provision.
Overseeing Agency	Conservation Dist, BWNDR, Conservation Comm.	County, circuit court.	Legislature, circuit court, BWNDR.	State Conservation Commission.	Bd of Minerals and Environment.

SPECIAL PURPOSE DISTRICTS IN SD (Continued)

Description	Ambulance District	Rural Fire Protection Dist	Public Hospital District	Regional Railroad Authority
Citation	34-11A	34-31A	34-10	49-17A
Enacted	1982	1971	1959	1978
Number Formed	13	60	1	25
Purpose	Provide ambulance service.	Provide rural fire protection.	Operate hospital facilities.	Acquire and operate railroad.
Formation	Petition to county, hearing, election.	Petition to county, hearing, election.	Petition to county, election, hearing.	County or municipal resolution.
Boundary	At least size of a township, may include towns.	No restriction, may include towns.	No restriction, annex contiguous territory.	Same as boundaries of member subdivisions.
Organizational Structure	At least 5 directors, annual election, staggered 2-year terms.	At least 5 directors, annual election, staggered 2-year terms.	7 trustees elected to staggered 4-year terms.	Elected commissioners, number specified at formation, 1 year terms.
Taxation & Revenue	Tax .6 mills, additional half mill for capital outlay fund.	Tax .6 mills maximum.	Tax levy varies, 5 mills or sufficient to pay bonds for hospital facilities.	Tax levy 2.4 mills, may vary tax rate for certain zones of benefit.
Debt and Finance	Debt not to exceed 10 times max annual tax levy; capital outlay fund.	Debt not to exceed 20 times max annual tax levy.	Bonds up to 5% of district property values; needs voter approval.	Issue bonds.
Other Powers and Duties	Sue, property, organize ambulance service; contracts, powers to operate.	Sue, property, organize and run fire protection for district, contracts and powers to operate.	Sue, hold property, operate hospital facility, contracts and powers to operate.	Sue, property, eminent domain, contracts, acquire and operate railroad, powers to operate.
Dissolution	No provision.	No provision.	Petition and election at least 5 yrs. after formation.	No provision.
Overseeing Agency	County.	County.	County.	Political subdivision that formed the authority.

SPECIAL PURPOSE DISTRICTS IN SD (Continued)

Description	Consumer Power District	Road District	Improvement District	Predator Control District
Citation	49-35 to 40	31-12A	7-25A	40-37
Enacted	1950	1977	1989	1974
Number Formed	1	247	1	NA
Purpose	Supplying electric energy.	Construct roads in populated areas outside municipal boundaries.	Provide basic infrastructure and services.	Predator control activities.
Formation	Petition, election.	Petition to county, election. Ch 6-16 applies.	Petition to county agreed to by all property owners, hearing.	Owners of 51% of livestock in county petition Sec. of Agriculture.
Boundary	Not required to be contiguous, but cannot split voting precinct.	No restriction, may overlap municipal boundaries.	At least 640 acres.	County-wide, may be multiple counties.
Organizational Structure	5-21 directors, rural and municipal districts, staggered 6-year terms.	3 trustees, annual election, staggered 3-year terms.	5-7 supervisors, staggered 6-year terms.	Maximum of 9 directors elected at annual meeting, staggered 3-year terms.
Taxation and Revenue	No taxing power, revenues from energy sales.	Tax, special assessments, bonds, service fees.	Tax 10 mills for operating purposes, special assess, service fees.	Per head tax on livestock in district.
Debt and Finance	Revenue bonds, debt backed by revenues.	Borrow, issue bonds.	Bonds.	Additional levy with referendum.
Other Powers and Duties	Sue, property, sell electricity, acquire/operate facilities.	Sue, property, construct and maintain roads.	Sue; property; plan, develop, operate projects; provide infrastructure facilities.	Powers to operate.
Dissolution	Petition by voters or directors to circuit court, court decides.	Petition by voters to court or resolution by trustees, appeal to court.	Petition by owners of 75% of property to county, county action.	Not specified.
Overseeing Agency	Circuit court.	County, circuit court.	County.	Sec of Agric, county.